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January 10, 2006

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FOR IMMEDIATE RELEASE:

**TWO INDIANAPOLIS MEN CHARGED WITH
SELLING DEXTROMETHORPHAN OVER THE INTERNET
FIVE DEATHS OF YOUNG MEN LINKED TO SHIPMENT**

PRESS RELEASE

Susan W. Brooks, United States Attorney for the Southern District of Indiana, announced that JESS A. JOHNSON, 30, and ROBERT R. DENMAN, 30, both of Indianapolis, Indiana, were charged today with three counts of introduction of misbranded drugs into interstate commerce, following an investigation by the Food and Drug Administration (FDA) Office of Criminal Investigations in connection with the sale of dextromethorphan (DXM) over the internet.

Susan W. Brooks, U.S. Attorney, applauded the work of the FDA and hopes this prosecution sends a message to all parents and young people about over-the-counter drugs and purchasing drugs over the internet, "Stemming DXM abuse and other prescription and over-the-counter drug abuse should be a priority for every parent whose son or daughter spends

time on the internet. We should also be diligent about monitoring our medicine cabinets. We are deeply saddened by the deaths of these five young men who overdosed on DXM. Their deaths, unfortunately, are bringing much needed attention to a growing problem in this country.”

Dextromethorphan (DXM) is an antitussive (cough suppressant) chemical approved for use as a drug by the FDA in over-the-counter cough medications. DXM is not a controlled substance within the meaning of Title 21, but is regulated by the FDA to the extent that it is sold as a drug for human consumption. DXM is often abused by persons to get high. Many people have been known to consume excessive amounts of cough medicine containing DXM to experience the high. A large enough dose of DXM can cause hallucinations, brain damage, and seizures. An overdose can result in death.

The information alleges that JOHNSON and DENMAN did business as Chemical API through their internet website. “API” is an acronym for “active pharmaceutical ingredients.” They imported DXM from India and sold it in its pure powder form over the internet to persons whom they knew intended to ingest the drug to get high. The website is no longer in operation.

Because the substance was used as a drug, it was subject to FDA regulations regarding importation and labeling. DENMAN and JOHNSON sought to avoid the regulations by falsely claiming that DXM was a chemical to be used for research and development rather than a drug intended for human consumption. DENMAN and JOHNSON repackaged the DXM and sold hundreds of doses over their internet website between November 2004 and May 2005. One shipment from Chemical API made on January 10, 2005, was to Danville, Virginia. A

17- year-old male ingested the drug and died from an overdose on January 25, 2005. Another shipment was made on January 19, 2005, to Bellingham, Washington. Two males, ages 17 and 19, ingested the drug and died from overdoses on April 23, 2005. A third shipment was made on January 31, 2005, to Fort Meyers, Florida. Two 19 year-old males ingested the drug and died from overdoses on February 20, 2005.

JOHNSON and DENMAN learned of the deaths in Florida from news articles but continued to sell the drug over the internet until their operation was shut down following the execution of search warrants at their Indianapolis residences by the FDA in May 2005. Margaret O. Glavin, Food and Drug Administration Associate Commissioner for Regulatory Affairs stated, “While the Internet provides convenience it is not without potential dangers. One of those dangers is unscrupulous people who own web sites that prey on an unsuspecting public by selling harmful products and substances. These web sites provide the consumers with false and misleading information about the safety and usage of their products and operate without regard for the health and safety of those to whom they sell. The FDA is committed to working closely with other local, state, and federal law enforcement agencies, and the US Attorney’s Office, to investigate and prosecute those who engage in the sale of potentially dangerous products.”

According to Assistant United States Attorney Donna R. Eide, who is prosecuting the case for the government, JOHNSON and DENMAN each face a maximum possible prison sentence of nine years and a maximum possible fine of \$250,000. An initial hearing will be scheduled before a U.S. Magistrate Judge in Indianapolis.

The information is an allegation only, and the defendant is presumed innocent unless and until proven guilty at trial or by guilty plea.

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